

AMENDED IN SENATE JANUARY 7, 2008

SENATE BILL

No. 585

Introduced by Senator Lowenthal

February 22, 2007

~~An act to amend Section 16000 of, to amend, renumber, and add Section 16004 of, and to add Section 16005 to, the Public Resources Code, relating to recycled concrete. An act to amend Sections 22507.8, 22511.7, 22511.8, and 40203.5 of the Vehicle Code, relating to parking for persons with disabilities.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 585, as amended, Lowenthal. ~~Recycled concrete: Department of Transportation. Vehicles: disabled parking.~~

(1) Existing law authorizes a vehicle equipped with a special license plate, placard, or temporary placard indicating the person is a disabled person, disabled veteran, or an organization or agency involved in the transportation of disabled persons or disabled veterans, as specified, to exercise certain parking privileges, including parking or leaving standing a vehicle in a stall or parking place designated for a disabled person or disabled veteran. Existing law requires these spaces to be distinguished by signs and markings placed pursuant to certain specifications, including signs indicating a minimum fine of \$250 for unauthorized parking in those spaces.

This bill would revise the provisions regarding signs to delete surplus language.

(2) Under existing law, it is unlawful for a person to park or leave standing a vehicle in a stall or parking place designated for a disabled person or disabled veteran, unless the vehicle displays a special license plate or placard, as specified.

Existing law requires certain parking facilities under the jurisdiction or control of state agencies to reserve stalls or parking places for the exclusive use of a vehicle that displays the special license plate or placard.

This bill would make it unlawful for a person to park or leave standing a vehicle in a stall or space designated for disabled persons or disabled veterans in a state parking facility, unless the vehicle displays the special license plate or placard.

(3) Existing law requires the governing body of a jurisdiction that issues parking violation notices to establish a schedule of parking penalties for parking violations and late payment penalties to be collected as civil penalties.

This bill would require a governing body to establish a civil penalty of not less than \$250 for unlawfully parking or leaving standing a vehicle in a stall or parking place designated for a disabled person or disabled veteran. The bill would authorize an agency issuing a notice of the violation to suspend the imposition of the penalty in specified circumstances. The bill would allow the payment of the penalty in installments if certain conditions are met.

Because this bill would place additional duties on local agencies by requiring a governing body to establish and administer the specified minimum civil penalty, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law authorizes the use of recycled concrete, as defined, if the user has been fully informed, as defined, that the concrete may contain recycled concrete materials. Existing law prohibits recycled concrete from being offered, provided, or sold to the Department of Transportation or the Department of General Services for any use unless specifically requested and approved by the respective department.~~

~~The bill would require the Department of Transportation, by December 31, 2008, and annually thereafter, to report on the amount of recycled concrete materials used by the Department of Transportation in the~~

prior fiscal year. The bill would additionally require the department to contract with the Institute of Transportation Studies to conduct workshops, as specified, for public works professionals on using recycled concrete materials.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 22507.8 of the Vehicle Code is amended*
2 *to read:*

3 22507.8. (a) It is unlawful for ~~any~~ a person to park or leave
4 standing ~~any~~ a vehicle in a stall or space designated for disabled
5 persons and disabled veterans pursuant to Section 22511.7 or
6 22511.8 of this code, or Section 14679 of the Government Code,
7 unless the vehicle displays either a special identification license
8 plate issued pursuant to Section 5007 or a distinguishing placard
9 issued pursuant to Section 22511.55 or 22511.59.

10 (b) It is unlawful for ~~any~~ a person to obstruct, block, or
11 otherwise bar access to those parking stalls or spaces except as
12 provided in subdivision (a).

13 (c) It is unlawful for ~~any~~ a person to park or leave standing ~~any~~
14 a vehicle, including a vehicle displaying a special identification
15 license plate issued pursuant to Section 5007 or a distinguishing
16 placard issued pursuant to Section 22511.55 or 22511.59, in either
17 of the following places:

18 (1) On the lines marking the boundaries of a parking stall or
19 space designated for disabled persons or disabled veterans.

20 (2) In ~~any~~ an area of the pavement adjacent to a parking stall
21 or space designated for disabled persons or disabled veterans that
22 is marked by crosshatched lines and is thereby designated, pursuant
23 to any local ordinance, for the loading and unloading of vehicles
24 parked in the stall or space.

25 (d) Subdivisions (a), (b), and (c) apply to all offstreet parking
26 facilities owned or operated by the state, and to all offstreet parking
27 facilities owned or operated by a local authority. Subdivisions (a),
28 (b), and (c) also apply to any privately owned and maintained
29 offstreet parking facility.

30 *SEC. 2. Section 22511.7 of the Vehicle Code is amended to*
31 *read:*

22511.7. (a) In addition to Section 22511.8 for offstreet parking, a local authority may, by ordinance or resolution, designate onstreet parking spaces for the exclusive use of a vehicle that displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.

(b) (1) Whenever a local authority so designates a parking space, it shall be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. In addition, the local authority shall post immediately adjacent to and visible from the space a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

(2) The sign required pursuant to paragraph (1) shall clearly and conspicuously state the following: “Minimum Fine—\$250,” pursuant to Section 42001.13, imposed upon a person parking or leaving standing a vehicle in a stall or space designated for the use of a disabled person or disabled veterans, unless a special license plate issued pursuant to Section 22511.55 or Section 22511.59 is displayed on the vehicle. \$250.” This paragraph applies only to signs for parking spaces constructed on or after July 1, 2008, and signs that are replaced on or after July 1, 2008.

(3) If the loading and unloading area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans is to be marked by a border and hatched lines, the border shall be painted blue and the hatched lines shall be painted a suitable contrasting color to the parking space. Blue or white paint is preferred. In addition, within the border the words “No Parking” shall be painted in white letters no less than 12 inches high. This paragraph applies only to parking spaces constructed on or after July 1, 2008, and painting that is done on or after July 1, 2008.

(c) This section does not restrict the privilege granted to disabled persons and disabled veterans by Section 22511.5.

SEC. 3. Section 22511.8 of the Vehicle Code is amended to read:

22511.8. (a) A local authority, by ordinance or resolution, and a person in lawful possession of an offstreet parking facility may designate stalls or spaces in an offstreet parking facility owned or operated by the local authority or person for the exclusive use of a vehicle that displays either a special license plate issued pursuant

1 to Section 5007 or a distinguishing placard issued pursuant to
2 Section 22511.55 or 22511.59. The designation shall be made by
3 posting a sign as described in paragraph (1), and by either of the
4 markings described in paragraph (2) or (3):

5 (1) (A) By posting immediately adjacent to, and visible from,
6 each stall or space, a sign consisting of a profile view of a
7 wheelchair with occupant in white on a blue background.

8 (B) The sign shall also clearly and conspicuously state the
9 following: ~~“Minimum Fine \$250,” pursuant to Section 42001.13,~~
10 ~~imposed upon a person parking or leaving standing a vehicle in a~~
11 ~~stall or space designated for the use of disabled persons and~~
12 ~~disabled veterans, unless a special license plate issued pursuant to~~
13 ~~Section 5007 or a distinguishing placard issued pursuant to Section~~
14 ~~22511.55 or 22511.59 is displayed on the vehicle. \$250.”~~ This
15 subparagraph applies only to signs for parking spaces constructed
16 on or after July 1, 2008, and signs that are replaced on or after July
17 1, 2008, or as the State Architect deems necessary when
18 renovations, structural repair, alterations, and additions occur to
19 existing buildings and facilities on or after July 1, 2008.

20 (2) (A) By outlining or painting the stall or space in blue and
21 outlining on the ground in the stall or space in white or suitable
22 contrasting color a profile view depicting a wheelchair with
23 occupant.

24 (B) The loading and unloading area of the pavement adjacent
25 to a parking stall or space designated for disabled persons or
26 disabled veterans shall be marked by a border and hatched lines.
27 The border shall be painted blue and the hatched lines shall be
28 painted a suitable contrasting color to the parking space. Blue or
29 white paint is preferred. In addition, within the border the words
30 “No Parking” shall be painted in white letters no less than 12 inches
31 high. This subparagraph applies only to parking spaces constructed
32 on or after July 1, 2008, and painting that is done on or after July
33 1, 2008, or as the State Architect deems necessary when
34 renovations, structural repair, alterations, and additions occur to
35 existing buildings and facilities on or after July 1, 2008.

36 (3) By outlining a profile view of a wheelchair with occupant
37 in white on a blue background, of the same dimensions as in
38 paragraph (2). The profile view shall be located so that it is visible
39 to a traffic enforcement officer when a vehicle is properly parked
40 in the space.

(b) The Department of General Services under the Division of the State Architect shall develop pursuant to Section 4450 of the Government Code, as appropriate, conforming regulations to ensure compliance with subparagraph (B) of paragraph (1) of subdivision (a) and subparagraph (B) of paragraph (2) of subdivision (a). Initial regulations to implement these provisions shall be adopted as emergency regulations. The adoption of these regulations shall be considered by the Department of General Services to be an emergency necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(c) If posted in accordance with subdivision (e) or (f), the owner or person in lawful possession of a privately owned or operated offstreet parking facility, after notifying the police or sheriff's department, may cause the removal of a vehicle from a stall or space designated pursuant to subdivision (a) in the facility to the nearest public garage unless a special license plate issued pursuant to Section 5007 or distinguishing placard issued pursuant to Section 22511.55 or 22511.59 is displayed on the vehicle.

(d) If posted in accordance with subdivision (e), the local authority owning or operating an offstreet parking facility, after notifying the police or sheriff's department, may cause the removal of a vehicle from a stall or space designated pursuant to subdivision (a) in the facility to the nearest public garage unless a special license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59 is displayed on the vehicle.

(e) Except as provided in Section 22511.9, the posting required for an offstreet parking facility owned or operated either privately or by a local authority shall consist of a sign not less than 17 by 22 inches in size with lettering not less than one inch in height which clearly and conspicuously states the following: "Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at the owner's expense. Towed vehicles may be reclaimed at:

_____ or by telephoning
(Address)
_____."

(Telephone number of local law enforcement agency)

The sign shall be posted in either of the following locations:

(1) Immediately adjacent to, and visible from, the stall or space.

(2) In a conspicuous place at each entrance to the offstreet parking facility.

(f) If the parking facility is privately owned and public parking is prohibited by the posting of a sign meeting the requirements of paragraph (1) of subdivision (a) of Section 22658, the requirements of subdivision (c) may be met by the posting of a sign immediately adjacent to, and visible from, each stall or space indicating that a vehicle not meeting the requirements of subdivision (a) will be removed at the owner's expense and containing the telephone number of the local traffic law enforcement agency.

(g) This section does not restrict the privilege granted to disabled persons and disabled veterans by Section 22511.5.

SEC. 4. Section 40203.5 of the Vehicle Code is amended to read:

40203.5. (a) The schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued. To the extent possible, issuing agencies within the same county shall standardize parking penalties.

(b) Parking penalties under this article shall be collected as civil penalties.

(c) (1) *The penalty for a violation of Section 22507.8 shall not be less than two hundred fifty dollars (\$250).*

(2) *The issuing agency may suspend the imposition of the penalty in paragraph (1), if the violator, at the time of the offense, possessed but failed to display a valid special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.*

(3) *A penalty imposed pursuant to this subdivision may be paid in installments if the issuing agency determines that the violator is unable to pay the entire amount in one payment.*

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

1 ~~SECTION 1. Section 16000 of the Public Resources Code is~~
2 ~~amended to read:~~

3 ~~16000. The Legislature finds and declares all of the following:~~

4 ~~(a) Facilitating the recycling of natural resources is in the best~~
5 ~~interest of the state.~~

6 ~~(b) This division is intended to promote the use of recycled~~
7 ~~concrete as provided in this division.~~

8 ~~SEC. 2. Section 16004 of the Public Resources Code is~~
9 ~~amended and renumbered to read:~~

10 ~~16006. Nothing in this division shall supersede the requirements~~
11 ~~of the Uniform Building Code or other provisions of law.~~

12 ~~SEC. 3. Section 16004 is added to the Public Resources Code,~~
13 ~~to read:~~

14 ~~16004. The Department of Transportation shall report by~~
15 ~~December 31, 2008, and annually thereafter, on the amount of~~
16 ~~recycled concrete materials used by the Department of~~
17 ~~Transportation in the previous fiscal year.~~

18 ~~SEC. 4. Section 16005 is added to the Public Resources Code,~~
19 ~~to read:~~

20 ~~16005. The Department of Transportation shall contract with~~
21 ~~the Institute of Transportation Studies at the University of~~
22 ~~California, Berkeley, to conduct workshops biennially for city and~~
23 ~~county public works professionals on the use of recycled concrete~~
24 ~~materials.~~